

## REMARKS

Claims 1 – 15 were pending in this application.

Claims 1-4 and 6-15 were rejected.

Claim 5 was objected to.

Claims 1, 4, 6, 8 and 12 were amended.

### I. 35 USC 102(e) Rejections

Claim 1-3, 7, 12 and 15 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent Application Publication 2003/0082987 to Baumgartner.

The rejected claims include two independent claims, which are Claim 1 and Claim 12. These claims have been amended and are believed to be clearly distinguishable over the cited prior art references, as is explained below.

#### Claim 1

**Claim 1** sets forth a remotely controlled toy vehicle system. The system utilized a master model vehicle and at least one slave model vehicle. The master model vehicle is controlled by remote control as it travels in along a first pathway.

At least one slave model vehicle is provided that is physically connected to the master model vehicle by at least one linkage element. The slave vehicle(s) is/are propelled by the master model vehicle along second pathway that is separate and distinct from the first pathway of the master model vehicle.

It will therefore be understood that the master vehicle pulls the slave vehicle(s). However, the slave vehicle(s) do not follow behind the master vehicle, rather they travel on a separate path.

**The Baumgartner reference** shows a toy system where a toy vehicle is operated by remote control. The toy vehicle transmits infrared tracking signals. Secondary vehicles are provided that follow the infrared tracking signals transmitted by the remote controlled vehicle.

In the Baumgartner reference, there is no disclosure of a slave vehicle that is physically connected to a master vehicle. Rather, it is clear that in the Baumgartner system, the secondary vehicles are separate independent vehicles that follow the infrared tracking signal being transmitted by the mater vehicle.

Claim 1 specifically claims that the master vehicle is physically connected to at least one slave vehicle with a linkage element. Since the Baumgartner disclosure does not show such a system, it is clear that the Baumgartner disclosure does not anticipate the claimed elements of Claim 1 or its dependent claims.

The Examiner is therefore respectfully requested to withdraw the 35 USC 102 rejection as applied to Claim 1 and its dependent claims.

#### Claim 12

Claim 12 sets forth an assembly that includes a remotely controlled vehicle and at least one secondary vehicle. The secondary vehicle(s) is/are physically connected to the remotely controlled vehicle and are moved in formation by the remotely controlled vehicle. The secondary vehicles, however, travel along at least one secondary pathway that is separate and adjacent to the pathway traveled by the remotely controlled vehicle.

As has been explained, the Baumgartner reference makes no disclosure of any secondary vehicles that are physically connected to a remote control vehicle. Since the Baumgartner disclosure does not show the system being claimed, it is clear that the Baumgartner disclosure does not anticipate the claimed elements of Claim 8 or its dependent claims.

The Examiner is therefore respectfully requested to withdraw the 35 USC 102 rejection as applied to Claim 8 and its dependent claims.

#### **II. 35 USC 103 Rejections**

The Examiner has rejected Claims 4, 6, 8-11, 13 and 14 as being unpatentable in view of Baumgartner in further view of U.S. Patent No. 1,804,257 to Greenley.

Claims 4 and 6 depends from independent Claim 1. Claim 8 is an independent claim.

Claims 13 and 14 depend from independent Claim 12.

All of the independent claims have been amended and are believed to be clearly distinguishable over the cited prior art references, as is explained below.

#### Claim 1

**Claims 4 and 6 depend from Claim 1.** The matter of Claim 1 is fully distinguishable over the Baumgartner patent for the reasons previously presented. As has been shown, the Baumgartner patent fails to show any slave toy vehicles that are attached to a radio controlled yet travel along pathways that are different than that of the radio controlled vehicle.

The Examiner goes on to cite the Greenley patent. **The Greenly patent** shows a system where a single driver can drive more than one real car. The Greenley patent is a complex hydraulic system that transfers the gas pedal, brake pedal and clutch pedal movements of a first car to a train of cars that are attached in line behind the first car. The Greenly patent makes no disclosure concerning toy vehicles, remote controlled vehicles, or vehicles that travel in different pathways.

**When combined, it is clear that the Baumgartner and Greenly patents** fail to disclose a remotely controlled toy vehicle system where one remote controlled vehicle is physically attached to other toy vehicles and moves those other toy vehicles along paths that are not the same as that of the remote controlled vehicle. Thus, the combination fails to disclose what is being claimed by Claim 1 and its dependent claims. The Examiner is therefore requested to withdraw the 35 USC 103 rejection as applied to Claim 1 and its dependent claims.

#### **Claim 8**

Claim 8 sets forth a method of moving a plurality of model vehicles in formation. A first remote controlled vehicle is provided. The remainder of the plurality of model vehicles is/are physically coupled to the first remote controlled vehicle. The remainder of the model vehicles are moved in a formation by the first remote controlled along at least one pathway that is separate and adjacent from the pathway traveled by the first remote controlled vehicle.

As has been explained, the combined Baumgartner and Greenly patents fail to disclose a

remotely controlled toy vehicle system where one remote controlled vehicle is physically attached to other toys vehicles and moves those other toy vehicles along paths that are not the same as that of the remote controlled vehicle. Thus, the combination fails to disclose anything that can perform the methodology being claimed. The Examiner is therefore requested to withdraw the 35 USC 103 rejection as applied to Claim 8 and its dependent claims.

#### Claim 12

Claims 13 and 14 depend from Claim 12. The matter of Claim 12 is fully distinguishable over the Baumgartner patent for the reasons previously presented. Claim 12 claims secondary vehicle(s) that are physically connected to a remotely controlled vehicle and are moved in formation by the remotely controlled vehicle. The secondary vehicles, however, travel along at least one secondary pathway that is separate and adjacent to the pathway traveled by the remotely controlled vehicle.

As has been explained, the combined Baumgartner and Greenly patents fail to disclose a remotely controlled toy vehicle system where one remote controlled vehicle is physically attached to other toys vehicles and moves those other toy vehicles along paths that are not the same as that of the remote controlled vehicle. Thus, the combination fails to disclose the system being claimed. The Examiner is therefore requested to withdraw the 35 USC 103 rejection as applied to Claim 12 and its dependent claims.

### **III. DRAWINGS**


The Official Draftsman's objections to the drawings have been noted. Formal drawings will be filed upon receipt of the Notice of Allowance for this application.

### **IV. SUMMARY**

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that

such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Eric A. LaMorte', written over the typed name.

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